

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 9 August 2005. Responsive to the rejections made in the Official Action, Claims 1 and 18 have been amended to clarify the combination of elements which form the invention of the subject Patent Application.

In the Official Action, the Examiner objected to the drawings because Figure 3A should be designated by the legend “Prior Art”. Accordingly, a corrected formal drawing of Fig. 3A is attached hereto with the legend -- Prior Art -- added thereto.

In the Official Action, the Examiner objected to the title as not being descriptive. The Examiner kindly suggested an appropriate title and the Applicant has adopted the suggested amended title.

In the Official Action, the Examiner rejected Claims 1 – 3, 5 – 8, 18 – 20 and 22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner stated that the term “nanometer scale roughness” did not appear to have an explicit definition, but the Examiner understood the term to be defined by the dimensions identified in the Specification. The Examiner further suggested that the prior art disclosed a nanometer scale roughness provided a better reflection surface that scattered less light, and questioned that was an accurate assessment of what occurred in the invention of the subject Patent Application.

In order to clarify what is meant by “nanometer scale roughness” in the claims for the invention of the subject Patent Application, such has now been defined as a height in the range of 5 – 50 nm and a width less than 20 nm, as is defined in the Specification. Therefore, it is now believed that with the terminology clearly defined, an explicit definition is provided in the claims.

Further, it is respectfully submitted that the Miyawaki reference, U.S. Patent No. 5,708,486 discloses a means for obtaining high contrast by differentiating surface roughness of the reflection electrodes and the shading layer. By providing a shading layer with a roughness which is approximately three times that of the reflection electrodes, a greater contrast is achieved in combination with cutting off noise components of reflected and scattered illumination light by means of an aperture, so that the noise light does not enter into a user’s eyes, column 3, lines 7 – 39. The reference does not disclose a reduction in scattered light by utilizing nanometer scale roughness. Even if the reference did provide such a teaching, the invention of the subject Patent Application does not disclose the contradiction to such a disclosure. In the invention of the subject Patent Application an increase in scattering is not disclosed. The invention of the subject Patent Application provides a wider angle of scattering and a greater uniformity of reflected light, page 8, lines 18 - 22. Accordingly, Claim 1 has been amended to clarify that it is the light scattering angle which is enhanced, rather than the amount of scattering.

It is believed that amended Claims 1 and 18 now provide sufficient clarification so that the claims now particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

In the Official Action, the Examiner rejected Claims 1, 2, 5, 8, 18, 20, and 22 under 35 U.S.C. § 103(a), as being unpatentable over Kim, U.S. Patent No. 6,177,970, in view of Ohmuro et al., U.S. Patent Application Publication 2003/0128317, in view of Miyawaki et al., U.S. Patent No. 5,708,496. Claim 6 was rejected under 35 U.S.C. § 103(a), as being unpatentable over Kim in view of Ohmuro et al., Miyawaki et al., and further in view of Asada et al., U.S. Patent No. 5,745,207. Claim 7 was rejected under 35 U.S.C. § 103(a), as being unpatentable over Kim in view of Ohmuro et al., and Miyawaki et al., and further in view of Jones et al., U.S. Patent No. 5,949,506. However, the Examiner kindly indicated that Claims 3 and 19 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, and to include all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended to incorporate the subject matter of Claims 2 and 3 therein. Thus, Claim 3 has been effectively rewritten in independent form to include all of the limitations of the base claim, Claim 1, and the only intervening claim, Claim 2. Thus, Claim 1 and the claims dependent thereon should now be allowable. Claim 18 has been amended to incorporate the subject matter of Claim 19 therein, thereby effectively rewriting Claim 19 in independent form, including all the limitations of the base claim, Claim 18, and any intervening claims, which

MR2707-51

Serial No.: 10/733,300

Responsive to Official Action dated 9 August 2005

there were none. Thus, Claim 18 and the claim dependent thereon should now be allowable.

For all the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE



David I. Klein
Registration No.: 33,253

Dated: 8 Dec. 2005

Rosenberg, Klein & Lee
Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
410-465-6678
Customer No. 04586

MR2707-51

Serial No.: 10/733,300

Responsive to Official Action dated 9 August 2005

AMENDMENTS TO THE DRAWINGS

The attached drawing sheet includes a change to Fig. 3A and the original drawing of Fig. 3B, and replaces the original sheet that includes Figs. 3A and 3B thereon. In Fig. 3A, the previously omitted label "Prior Art" has been added.

Attachment: One replacement sheet.